

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERKS OFFICE
04-CV-12033-PBS

CHARLES RAMPINO, 2005 FEB 25 P 3:12
PETITIONER,

v.

U.S. DISTRICT COURT
DISTRICT OF MASS

BERNARD BRADY,
RESPONDENT.

MOTION FOR RECONSIDERATION
OF DOCKET ENTRY # 21

Now comes the Petitioner, Charles Rampino, and respectfully moves this Honorable Court to reconsider its ruling on docket entry numbered 21, entered onto the docket 2-22-05.

In support of this motion the petitioner states that the Court rendered paper #21 "moot" due to the supplemental appendix that was filed by the Respondent. Paper # 21 (MOTION TO COMPEL RESPONSE/ANSWER) has nothing to do with the supplemental appendix being filed. In further support of this motion, the petitioner states that an appropriate answer is needed to distinguish what facts that the respondent has either denied or admitted that the petitioner has setforth in his Petition for Writ of Habeas Corpus. The petitioner has also raised several federal claims in his Petition that have not been addressed by the respondent in his MOTION TO DISMISS. The petitioner needs an appropriate answer to his petition so he may prepare an adequate defense to the respondents motion to dismiss. In the event that the respondent's answer disputes any of the factual allegations that the petitioner has setforth in his petition for writ of habeas corpus, thereby creating a genuine issue of material fact, summary judgment or dismissal would be inappropriate.


The main fact that the petitioner has raised, and which is the foundation of his federal claim, is that he was given (awarded) 1500 days of good time credits that were revoked without due process of law, and due to such unlawful revocation of said credits he is now being unlawfully held past his maximum release date set by the court in violation of his Federal and State Constitutional rights.

WHEREFORE, the petitioner prays that this Honorable Court grant this motion and reconsider its ruling on paper #21. The Petitioner further moves this Court to enlarge the time he has to file his opposition motion to the respondents motion to dismiss from March 17, 2005, to 21 days from the ruling on this motion/or in the event that an answer is ordered by this Court, 21 days from receiving the answer.

DATED 2-22-05


CHARLES RAMPINO PRO SE

I hereby certify that a true and correct copy of the above motion was served upon the Respondents Counsel by first class pre-paid mail at the following address: DAVID LIEBER, AAG, ONE ASHBURTON PLACE, BOSTON, MA 02108, ON THIS 22ND DAY OF FEBRUARY 2005.


CHARLES RAMPINO